

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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|-----------------------------------|---|--------------------------|
| DEENA LINDER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. 3:21-cv-143-JTA |
| |) | |
| KILOLO KIJAKAZI, |) | |
| Acting Commissioner of the Social |) | |
| Security Administration, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM OPINION AND ORDER

Before the Court is the Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Remand to the Defendant filed by the Acting Commissioner of Social Security (“Commissioner”) on January 14, 2022. (Doc. No. 23.) In her Memorandum in Support of her Unopposed Motion, the Acting Commissioner states remand is appropriate so that an administrative law judge may re-evaluate the Plaintiff’s residual functional capacity; seek supplemental vocational expert evidence to determine whether there is a significant number of jobs in the national economy that the Plaintiff can perform; identify and resolve any conflicts between the occupational evidence provided by the vocational expert and information in the Dictionary of Occupational Titles; give the Plaintiff an opportunity for a hearing; and issue a new decision. (Doc. No. 23 at 1.)

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for

a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

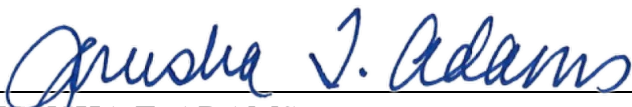
Here, the Court finds remand necessary as the Acting Commissioner concedes that re-evaluation of the Plaintiff’s residual functional capacity and supplemental vocational expert evidence are necessary. (Doc. No. 23 at 1.) Moreover, Plaintiff does not oppose the motion. (*Id.* at 2.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 16, 17.)

Accordingly, it is hereby ORDERED as follows:

1. The Commissioner’s motion (Doc. No. 23) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate final judgment will issue.

DONE this 18th day of January, 2022.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE